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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,481	07/11/2003	Tony Hollingsworth	UNMC.63188	8213
	7590 07/24/200 MAN, HERRELL & S	EXAMINER		
1601 MARKET	*	YU, MISOOK		
SUITE 2400 PHILADELPH	IA, PA 19103-2307	ART UNIT	PAPER NUMBER	
			1642	
			MAIL DATE	DELIVERY MODE
			07/24/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Applicati	Application No.		Applicant(s)	
		10/618,4	31	HOLLINGSWORTH ET AL.		
Office Ac	Examine	•	Art Unit			
		міѕоок	YU	1642		
The MAILING Period for Reply	DATE of this communica	ation appears on th	e cover sheet with the	correspondence a	ddress	
A SHORTENED STA WHICHEVER IS LOI - Extensions of time may be after SIX (6) MONTHS fror - If NO period for reply is spo - Failure to reply within the s Any reply received by the O	ATUTORY PERIOD FOR NGER, FROM THE MAI available under the provisions of the mailing date of this commun ceified above, the maximum statulet or extended period for reply will office later than three months aftenent. See 37 CFR 1.704(b).	LING DATE OF TH 37 CFR 1.136(a). In no evication. tory period will apply and w I, by statute, cause the app	HIS COMMUNICATIO ent, however, may a reply be ill expire SIX (6) MONTHS fro dication to become ABANDON	DN. timely filed m the mailing date of this of IED (35 U.S.C. § 133).		
Status						
2a)⊠ This action is <b>F</b> 3)□ Since this appl	communication(s) filed FINAL. 2b ication is in condition for dance with the practice	)☐ This action is r r allowance except	for formal matters, p		e merits is	
Disposition of Claims						
4a) Of the above 5) ☐ Claim(s) ☐ Claim(s) 1.4 and 7) ☐ Claim(s) 5 and 8) ☐ Claim(s) ☐ Claim(s) ☐ Application Papers  9) ☐ The specification	nd 7 is/are rejected. 6 is/are objected to. are subject to restriction	s/are withdrawn fro on and/or election r  Examiner.	equirement.	. Eva minor		
Applicant may no Replacement dra	filed on is/are: a of request that any objection awing sheet(s) including the claration is objected to be	on to the drawing(s) lee correction is required.	be held in abeyance. S ed if the drawing(s) is o	ee 37 CFR 1.85(a). bjected to. See 37 C		
Priority under 35 U.S.C	. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
	ed (PTO-892) Patent Drawing Review (PTC tatement(s) (PTO/SB/08) 	D-948)	4) Interview Summal Paper No(s)/Mail 5) Notice of Informal 6) Other:			

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### **DETAILED ACTION**

## Election/Restrictions

Claims 1, 2, and 4-12 are pending and claims 2 remain withdrawn for reason of record, and new claims 9-12 are also withdrawn because they belong to group II invention as set forth in the Office action mailed on 12/12/2005.

Claims 1, 2, and 4-8 are under consideration.

# Claim Rejections - 35 USC 102, Maintained

Claim 1 remain rejected and new claims 4-6 are under 35 USC 10(b) as being anticipated by WO 02/058450.

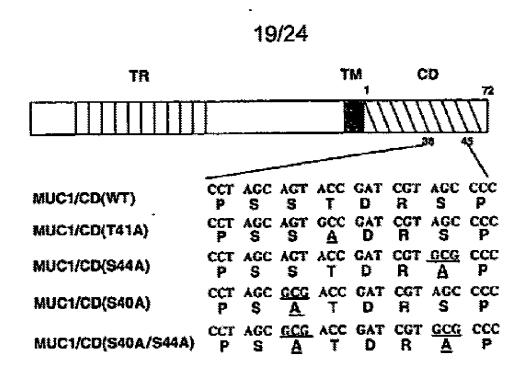
Applicants argue that claimed invention is peptide consisting of SEQ ID NO: 47, which consists of 30 amino acids, while the peptide of the prior art is 43 amino acids. Applicant also states that the sequences in claim 8 is fragment of SEQ ID NO: 47, and applicant requested the Office to search SEQ ID NOs 47-49 in the remark section in response to the previous Office action of the Office's willing to search up to 10 amino acids, the base claim is still drawn to many other sequences. One of them, which is SEQ ID NO: 24 is identical to the sequence in Fig. 14B of the art of the record.

Pro-Ser-Sor-Thr-Asp-Arg-Ser-Pro-Tyr (SEQ 10 NO:24) Application/Control Number: 10/618,481

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# WO 02/058450



**FIG. 14B** 

Claims 1, 4, 6, and new claims 8 are under 35 USC 10(b) as being anticipated by US Patent 6,548,643, for the reasons set forth previously in the Paper mailed March 17, 2006, Section 7, pages 4-5 for the same reason given above.

SEQ ID NO: 28 of the 643 patent (see below) is identical to SEQ ID NO: 34 of the instant application.

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1 5

<200> SEQUENCE CHARACTERISTICS:

<210> SEQ ID NO 28

<211> LENGTH: 9

<212> TYPE: PRT

<213> ORGANISM: Homo sapiens

<400> SEQUENCE: 28

Lys Asn Tyr Gly Gln Leu Asp Ile Phe
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# The Following is New Ground of Rejection Double Patenting

Claims 5 and 6 are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 5. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Both claims are drawn to peptide consisting of SEQ ID NOs 47-49.

#### Conclusion

Claim 5 is objected to as being dependent upon a rejected base claim.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISOOK YU whose telephone number is 571-272-0839. The examiner can normally be reached on 8 A.M. to 5:30 P.M., every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MISOOK YU Primary Examiner Art Unit 1642

/MISOOK YU/ Primary Examiner, Art Unit 1642